



**CITY OF MARLBOROUGH**  
**OFFICE OF CITY CLERK**  
**Lisa M. Thomas**  
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**MARLBOROUGH, MASSACHUSETTS 01752**  
**(508)460-3775 FAX (508)624-6504**  
**SEPTEMBER 10, 2007**

Regular meeting of the City Council held on Monday September 10, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Juare, Schafer, Webster, Clancy and Towle. Meeting adjourned at 9:01 p.m.

ORDERED: Minutes, City Council meeting, August 27, 2007, **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on the application of Ms. Electric to install manhole and duct locations on Donald J. Lynch Blvd, all were heard who wish to be heard, hearing adjourned at 8:02 p.m., **IN PUBLIC SERVICE COMMITTEE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on the application Fairbanks Development, LLC to amend special permit adopted December 19, 2005 re: Artist Loft Housing with adjacent gallery/restaurant space, all were heard who wish to be heard, hearing adjourned at 8:10 p.m. **IN URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING: regarding the Sign Ordinance by the Sign Ordinance Review Committee, all were heard who wish to be heard, hearing adjourned at 8:48 p.m., **TABLE**; adopted.

ORDERED: That Don Cusson, the City's Emergency Management coordinator speak at the September 24<sup>th</sup> meeting for the purpose of providing an update on the City's R911 system, **FILE**; adopted.

ORDERED: That the following transfer of \$1,000,000.00 from Health Insurance Trust to Stabilization account, refer to **FINANCE COMMITTEE**; adopted.

FROM:

|                        |                |
|------------------------|----------------|
| Acct. # 870-59610      | \$1,000,000.00 |
| Health Insurance Trust |                |

TO:

|                      |                |
|----------------------|----------------|
| Acct. # 836000-11515 | \$1,000,000.00 |
| Stabilization        |                |

ORDERED: That the Chapter 43D Technical Assistance Grant in the amount of \$150,000.00 from the Commonwealth's Executive Office of Housing and Economic Development Permit Regulatory Office – Interagency Permitting Board be shared equally by the City and the Marlborough 2010 Corporation, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That Attorney Peter R. Barbieri, requests to withdraw **without prejudice** the Special Permit of Carlos Ferriera to construct a five unit townhouse at 69 South St., **APPROVE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC, which owns the real property shown on assessors Map 62 Parcels 1 and 24. Parcel 1 which extend from the Boston Post Rd. North to the City's Easterly Wastewater Treatment Plant, is bisected by a zone line, making the rear of the property, which is landlocked, borders the Treatment Plant, and is zoned Rural Residential, useless. Pursuant to General Laws Chapter 40A, Section 5, the client is requesting that the rear part of the land shown on Assessors Map 62 Parcel 1 be rezoned from Rural Residential to Business, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC, which owns the real property shown on assessors Map 62 Parcels 1 and 24. All of parcel 24 and part of Parcel 1 are located in a Business zone. Pursuant to General Laws Chapter 40A sec. 5, the client is requesting that the Zoning Ordinance be amended by:

1) adding to Section 200-17 a new Business Use, entitled "New Motor Vehicle Sales and Service (41)" to be allowed by Special permit in a Business Zone, and

2) adding to Sec. 200-18 a new Subsection 41, to read as follows;

**"(41) New Motor Vehicle Dealership Sales and Service**

New motor vehicle sales, and related service and used vehicle sales, by an entity which has a valid dealership agreement to sell vehicles on behalf of a known manufacturer of new motor vehicles, provided that said dealership shall, as a condition of operation, be appropriately licensed by the Marlborough License Commission pursuant to Mass General Laws."

Because the client's land would be affected by this change, the client is entitled to request it pursuant to General Laws Chapter 340A sec. 5, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the petition by NSTAR to install 2000' of 8.00" plastic gas main as a system improvement to supply the Regency @ Assabet Ridge Development off Fitchburg St. and Crowley Dr. in Marlborough, refer to **PUBLIC SERVICES COMMITTEE**; adopted

ORDERED: That the minutes of the Planning Board, January 29, February 12, February 26, March 12, March 26, April 9, April 23, 2007, **FILE**; adopted.

ORDERED: That the CLAIMS, refer to **LEGAL DEPARTMENT**; adopted.

**REPORTS OF COMMITTEES:**

Councilor Clancy reported the following out of the Personnel Committee:

**Order No. 07-100-1645** –The reappointment of Rosalind Baker as Director of Human Services, to expire August 27, 2010. **Recommendation of the Personnel Committee is to approve 3-0.**

Councilor Levy reported the following out of the Legislative and Legal Affairs Committee:

**Order No. 07-1001459** – re: **SPECIAL ACT** submitted by Mayor Stevens to establish the Term of the Office of the City Solicitor and the confirmation and removal process for the required steps needed to create a Charter Change. **Recommendation of the Legislative and Legal Affairs Committee is to have the Legal Department and the House Council draft the necessary language to effect this change and report back to City Council for final approval. Approve 2-1 (Ferro).**

**Order No. 07-1001646 – X 1001067** – re: That the City of Marlborough grant a temporary utility easement to be executed by the Mayor on behalf of the City to Massachusetts Electric Co. aka NGRID, as described in the Grant of Temporary Easement, Christopher Heights, 84 Chestnut Street, Marlborough, MA for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating an overhead system and an underground system for electric service to the buildings constructed or proposed to be constructed by the Christopher Heights of Marlborough Limited Partnership pursuant to a February 14, 2006 ground lease between the City and the Christopher House of Marlborough Limited Partnership, said temporary utility easement to be for a period concurrent with the term of said ground lease, and to be recorded at Middlesex So District Registry of Deeds. **Recommendation of the Legislative and Legal Affairs Committee is to grant the easement. Approve 3-0.**

**Order No. 07-1001647 (DEED)** – Re: Communication from the Legal Department with request by James J. and Noel M. Cain to purchase all of the city's right, title and interest in a certain parcel of land abutting their property at 107 Phelps Street, together with proposed quitclaim deed. **Recommendation of the Legislative and Legal Affairs Committee is to authorize the Mayor to convey the property and grant a Quitclaim Deed with Fee Interest for a minimum price of \$9,725. Approve 3-0. Note: 2/3 vote required to authorize the quitclaim deed.**

**Order No. 07-100647-1 (EASEMENT)** – Re: proposed permanent sewer easement to allow the city to maintain the relevant sewer truck line. **Recommendation of the Legislative and Legal Affairs Committee is to accept a permanent sewer easement. Approve 3-0. Note: a simple majority vote to accept the proposed permanent sewer easement.**

**Order No. 07-1001597** That the City Council adopt Chapter 73, section 4 of the Acts of 1986 which allows for doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts Law. **Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0.**

ORDERED: That the communication from Boston Scientific Corporation requesting extension of time for Sewer Connection Permit, 55 Boston Scientific Way – Mayor to provide sewer extension impact on TIF, **APPROVE**; adopted.

ORDERED: That the following transfer of \$51,000 relative to the Hemenway Street sidewalk installation project, **APPROVE**; adopted.

FROM:

|                                      |             |
|--------------------------------------|-------------|
| Acct. # 83600-32713                  | \$51,000.00 |
| Stabilization Hemenway St. Sidewalks |             |

TO:

|                        |             |
|------------------------|-------------|
| Acct. # 19300006-58514 | \$51,000.00 |
| DPW Projects           |             |

ORDERED: That the City of Marlborough accept a donation in the amount of \$10,000 from Robert Valchuis for tree restoration relative to his Farm Rd. subdivision project, be and is herewith refer back to **FINANCE COMMITTEE**; adopted.

ORDERED: That the following transfer request in the amount of \$210,000.00 which will move funds from Stabilization to the newly established Stabilization-Affordable Housing Account. **Recommendation of the Finance Committee is to approve the transfer in the reduced amount of \$52,500.00, APPROVED;** adopted

FROM:

|                     |             |
|---------------------|-------------|
| Acct. # 83600-32925 | \$52,500.00 |
| Stabilization Fund  |             |

TO:

|                                    |             |
|------------------------------------|-------------|
| Acct. # 83600-32718                | \$52,500.00 |
| Stabilization – Affordable Housing |             |

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned 9:01 p.m., **FILE**; adopted.